



00862.022210.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

YASUHIRO KUJIRAI ET AL.

Application No.: 09/840,894

Filed: April 25, 2001

For: PRINT CONTROL APPARATUS
AND METHOD, AND PRINT
SYSTEM

Examiner: I. Rahimi

Art Unit: 2622

June 23, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

Sir:

This paper has been filed in response to the Office Action dated March 23, 2005, imposing a restriction requirement in the above-identified case. In the Office Action the Examiner required restriction to one of the following inventions:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

June 23, 2005

(Date of Deposit)

LEONARD P. DIANA (Reg. No. 29,296)

(Name of Attorney for Applicants)

June 23, 2005

(Date of Signature)

Signature

Date of Signature

07/08/2005 NPETERSD 0000000001 061205 09840894

01 FC:1252 450.00 DA

07/08/2005 NPETERSD 0000000001 061205 09840894
01 FC:1252 450.00 CR

Adjustment Date: 10/31/2005 SDIRETIAL 09840894
07/08/2005 NPETERSD 0000000001 061205 09840894
01 FC:1252 450.00 CR

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PATENT MAINTENANCE
DIVISION

Dep't Ref

2005 SEP 19 PM 3:00

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US PATENT & TRADEMARK

OFFICE

In re Application of:

Examiner: I. Rahimi

YASUHIRO KUJIRAI ET AL.

Art Unit: 2622

Application No.: 09/840,894

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Filed: April 25, 2001

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For: PRINT CONTROL APPARATUS
AND METHOD, AND PRINT
SYSTEM

September 15, 2005

Commissioner for Patents
Post Office Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND

Sir:

In connection with the above-identified application, Applicants request a refund of \$450.00 for a two month extension fee, which was erroneously charged to our Deposit Account 06-1205. It is requested that the refund be applied as a credit to that Deposit Account. The reason for the refund is explained below.

Attached are copies of an Office Action dated March 23, 2005, and a Response to Restriction Requirement, which Applicants filed on June 23, 2005, in response to that Office Action, with a Certificate of Mail. While the Office Action was a restriction requirement, that Action set a three-month period for response, and hence no extension of time was required in connection with that Response.

The Patent Office's Monthly Statement of Deposit Account, dated July 2005 (copy attached), indicates that Deposit Account No. 06-1205 was charged the fee of \$450.00. Therefore, Applicants respectfully submit that a refund of \$450.00 is due.

Accordingly, Applicants hereby request a refund and authorize the Commissioner to credit Deposit Account No. 06-1205 in the amount of \$450.00, to resolve this matter.

Applicants' undersigned attorney may be reached in our New York office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



Leonard P. Diana
Attorney for Applicants
Registration No. 44,063

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
YASUHIRO KUJIRAI ET AL.) Examiner: I. Rahimi
Application No.: 09/840,894) Art Unit: 2622
Filed: April 25, 2001)
For: PRINT CONTROL APPARATUS)
AND METHOD, AND PRINT)
SYSTEM) June 23, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

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June 23, 2005. 09/840,894
(Date of Deposit)

LEONARD P. DIANA (Reg. No. 29,290)
Name of Attorney for Applicant(s)


Signature

June 23, 2005
Date of Signature

07/08/2005 NPI/TERSD 0000000001
01 FC:1252 450.00 D
01 10

00862.022210.

PATENT APPLICATION



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
YASUHIRO KUJIRAI ET AL.) Examiner: I. Rahimi
Application No.: 09/840,894) Art Unit: 2622
Filed: April 25, 2001)
For: PRINT CONTROL APPARATUS)
AND METHOD, AND PRINT)
SYSTEM) June 23, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION REQUIREMENT

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This paper has been filed in response to the Office Action dated March 23, 2005, imposing a restriction requirement in the above-identified case. In the Office Action the Examiner required restriction to one of the following inventions:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

June 23, 2005
(Date of Deposit)

LEONARD P. DIANA (Reg. No. 29,296)
(Name of Attorney for Applicants)

June 23, 2005
Date of Signature

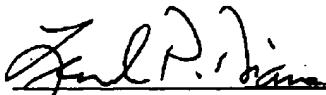
1. Group I (Claims 1-15), drawn to combining a plurality of print jobs into a single print job when the job is authenticated, classified in class 358, subclasses 1.14, 1.18, and 450; and
2. Group II (Claims 16-44), drawn to an authentication request for outputting print data, classified in class 713, subclass 170, and class 705, subclass 50.

Applicants hereby elect, without traverse, to proceed initially with prosecution of Group I (Claims 1-15).

An early and favorable examination of the elected claims on the merits is respectfully requested. It is understood that with his next Action, the Examiner will return initialed copies of the forms PTO-1449 submitted with the three Information Disclosure Statements filed in this application thus far.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,



Leonard P. Diana
Attorney for Applicants
Registration No.: 29,296

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,894	04/25/2001	Yasubiro Kujizai	862.C2210	4470
5514	7590	03/23/2005		
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				EXAMINER RAHIMI, IRAJ A
				ART UNIT 2622 PAPER NUMBER

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/840,884	KUJIRAI ET AL.	
	Examiner	Art Unit	
	(Iraj) Alan Rahimi	2622	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(b). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 25 April 2001.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-44 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) _____ is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) 1-44 are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 25 April 2005 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-848)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____

5) Notice of Informal Patent Application (PTO-152)

6) Other: _____

DETAILED ACTION

Election/Restrictions

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-15, drawn to combining plurality of print jobs into a single print job when the job is authenticated, classified in class 358, subclass 1.14, 1.18, and 450.
 - II. Claims 16-44, drawn to authentication request for outputting print data, classified in class 713, subclass 170 and class 705, subclass 50.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions in Group I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination because combination is considered to be the authentication step to output a print job. Subcombination is considered to be combining print jobs and outputting them based on authentication result. Checking authentication in case of combined print job is one utility. Authentication step in Group II can be performed for variety of reasons including control of printing confidential documents and thus does not require the additional limitation of combining print jobs in Group I.
3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.
5. Two telephone calls were made to applicant representative on March 9 and 10, 2005 to request an oral election to the above restriction requirement, but could not locate the attorney of record to discuss election of preferred group.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to (Iraj) Alan Rahimi whose telephone number is 703-306-3473. The examiner can normally be reached on Mon.-Fri. 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 703-305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alan Rahimi
March 10, 2004

March 10, 2004

AC
EDWARD COLES
SUPERVISOR
TECHNICIAN



**United States
Patent and
Trademark Office**

Deposit Account Statement

Requested Statement Month: July 2005
Deposit Account Number: 061205
Name: FITZPATRICK CELLA HARPER & SCINTO
Attention:
Address: 30 ROCKEFELLER PLAZA
City: NEW YORK
State: NY
Zip: 10112-3801
Country: UNITED STATES OF AMERICA

DATE SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
07/01 9	10136353	03500.016401	1811	\$100.00	\$22,355.00
07/01 12	09966251	00684.003258	9204	-\$1,715.00	\$24,070.00
07/01 180	78661837	03403.008000	7001	\$325.00	\$23,745.00
07/01 1220	78662423.	01722.T50	7001	\$325.00	\$23,420.00
07/05 2	10824513	00862.023535	1201	\$200.00	\$23,220.00
07/05 21	10524373	02280.003420	9204	-\$500.00	\$23,720.00
07/05 22	10524373	" "	1642	\$400.00	\$23,320.00
07/05 56	11144743	03500.109613	1081	\$250.00	\$23,070.00
07/05 60	10522947	03500.017493	9204	-\$500.00	\$23,570.00
07/05 61	10522947	" "	1642	\$400.00	\$23,170.00
07/05 1209	76568727	946.2101(946.10594)	7004	\$150.00	\$23,020.00
07/06 4	11144728	03137.000228.	1081	\$250.00	\$22,770.00
07/06 85	09941595	03500.015726	1201	\$400.00	\$22,370.00
07/06 301	11171234	03500.119791	1202	\$2,850.00	\$19,520.00
07/06 302	11171234	03500.119791	1203	\$360.00	\$19,160.00
07/06 1225	78664292	946.10834(946.2101)	7001	\$325.00	\$18,835.00
07/07 7	10529891	00684.003654	9204	-\$100.00	\$18,935.00
07/07 9	10529891	" "	9204	-\$400.00	\$19,335.00
07/07 10	11172662	03500.017803	1201	\$100.00	\$19,235.00
07/07 41	10363731	03064.00P100	9204	-\$8.00	\$19,243.00
07/07 52	10098545	03500.016292	1201	\$800.00	\$18,443.00
07/07 53	10098545	03500.016292	1202	\$850.00	\$17,593.00
07/07 1526	76345005	946.9139A	7004	\$150.00	\$17,443.00
07/08 1	09840894	862.C2210	1252	\$450.00	\$16,993.00
07/08 9	09386331	862.2999	1252	\$330.00	\$16,663.00
07/08 20	60692295	01997.031300.P2	1085	\$250.00	\$16,413.00
07/11 29	10307945	00684.003416	1463	\$70.00	\$16,343.00

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